

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA : Criminal No. 3:18 CR 00025 (NKM)

v. :

MICHAEL PAUL MISELIS :

:

STATEMENT OF OFFENSE

The offenses described below occurred within the Western District of Virginia, as well as other districts. This Statement of Facts briefly summarizes the facts and circumstances surrounding the defendant's criminal conduct. It does not contain all of the information obtained during this investigation and applicable to an accurate Presentence Report and Sentencing Guidelines calculation.

This statement of facts is not protected by proffer agreement or any other agreement, and shall be wholly admissible at trial in the event this plea is later withdrawn notwithstanding any Rules or statutes to the contrary, including but not limited to, Federal Rules of Evidence 408 and 410, and Federal Rule of Criminal Procedure 11.

In early 2017, the defendant Michael Paul Miselis and other individuals participated in an organization originally known as the "DIY Division" that was later re-branded as the "Rise Above Movement" or "RAM." RAM was located in the greater Los Angeles, California area and represented itself as a combat-ready, militant group of a new nationalist white supremacy and identity movement. RAM regularly held hand-to-hand and other combat training for RAM members and associates to prepare to engage in violent confrontations with protestors and other individuals at purported "political" rallies. They attended these rallies with the intention of provoking physical conflict with counter-protestors, which they believed would justify their use of force against the counter-protestors and shield them from prosecution for their acts of violence. RAM leaders organized the training sessions and attendance at political rallies through phone calls and text messages. In 2017, the defendant attended several such training events and rallies.

Through various social media platforms, RAM would publicly post photographs of its members with their faces partially concealed. These photographs would be accompanied by statements such as "When the squad[']s not out smashing commies," "#rightwingdeathscquad," or "#goodnightleftside."

I. Huntington Beach, California on March 25, 2017

On March 25, 2017, the defendant attended a purported political rally in Huntington Beach, California where he met several RAM members. At that event, several RAM members pursued and assaulted groups of protestors and other persons. Additionally, at the rally, the defendant exchanged phone numbers with at least one other RAM member (and co-defendant). Following the rally, photographs depicting RAM members assaulting protestors and other persons were covered on the news and on the “front page” of various Neo-Nazi, white supremacist websites. RAM members celebrated this coverage, and used the Internet to post statements, photographs, and videos of assaults committed by RAM members at this rally in order to recruit members to engage in violent confrontations at future events. For example, on the evening after the rally, the defendant sent a text message to his co-defendant: “Celebrity status . . . well done.” In the text messages, the defendant also expressed an interest in joining RAM for future trainings. In referencing these events at Huntington Beach, the RAM Twitter account later posted a photograph showing several RAM members at the event, with the message, “Shortly after this pic antifa was btfo [i.e., blown the f—k out] in Huntington Beach.”

II. Berkeley Riots on April 15, 2017

In early 2017, a purported political rally was scheduled to occur in Martin Luther King Jr. Civic Center Park in Berkeley, California.

In anticipation of this rally, RAM invited the defendant to join them for combat training on Sunday, April 9, 2017, in San Clemente, California, the weekend before the rally. At this training, one of the subjects of focus would be “hand to hand fighting and formation fighting.” The defendant attended these trainings.

On or about April 14, 2017, a fellow RAM member, using a debit card, reserved and rented a van from Airport Van Rentals located at the Los Angeles International Airport to transport the defendant and other RAM members from southern California to Berkeley, California. On the evening of Friday, April 14, 2017, the defendant met with eight other RAM members who then traveled to Berkeley, California in the van.

On April 15, 2017, several hundred people – to include the defendant and the other RAM members – attended the rally. The defendant and other RAM members were dressed in gray clothing, goggles, and a black scarfs or masks to cover the lower half of their faces. Throughout the day, there were several violent clashes between some rally attendees and individuals protesting the rally. In one of the first such instances, RAM members, including the defendant, crossed the barrier separating the attendees and protestors, and assaulted protestors and other individuals. In one instance, the defendant punched someone in the back of the head and broke his hand.

As the rally broke up, rally attendees and protestors dispersed onto the streets of downtown Berkeley. The defendant, alongside other RAM members and rally attendees, followed a large group of protestors who were leaving the area. In several instances, other RAM members chased and attacked protestors, punching and kicking them. On April 16, 2017, in describing this instance, the defendant stated in a text message he “was about to jump into that but our guys were just wrecking them” and that there was “not even any room to get a hit in.” These acts of violence were part of and in furtherance of a riot, as that term is defined under 18 U.S.C. § 2102, and were not in self-defense.

Following the rally, photographs depicting defendant and other RAM members assaulting protestors and other persons were covered on the news and on various Neo-Nazi, white supremacist websites. RAM members celebrated this coverage, and used the Internet to post photographs and videos of assaults committed by RAM members in order to recruit members to engage in violent confrontations at future events. In a text message on April 16, 2017, the defendant described the event as “a total Aryan victory.” On May 15, 2017, the RAM Instagram account posted a photograph of a RAM member wearing a black skull mask at the Berkeley event along with the comment, “#rightwingdeathscquad.” On January 10, 2018, the RAM Twitter account posted a message describing itself as “the only alt right crew that actually beats antifa senseless and wins rallies.” On February 14, 2018, the RAM Gab account posted a photograph of a RAM member punching a protestor at the Berkeley event along with the text, “Talk shit get hit!”

Because the defendant had broken his hand by punching someone in Berkeley, future RAM trainings events would include training on using “palm strikes” and elbows. Over the summer of 2017, the defendant attended these trainings to prepare for future rallies.

III. Preparations and Travel to Charlottesville in August 2017

In or around the spring and summer of 2017, an event referred to as the “Unite the Right” rally was organized and scheduled to occur on August 12, 2017, at Emancipation Park in Charlottesville, Virginia. This rally was widely promoted on social media and internet sites associated with white-supremacist individuals and groups, and was scheduled to feature a lineup of well-known white-supremacist speakers.

On July 29, 2017, the defendant, using his credit card, purchased a one-way ticket from American Airlines for commercial flights from Los Angeles International Airport in California to Charlottesville Albemarle Airport in Charlottesville, Virginia, departing on August 11, 2017. The defendant was excited about the events scheduled for Charlottesville. He expected it would become a riot and that experience in riots at Huntington Beach on March 25, 2017 and Berkeley on April 15, 2017 would be valuable. For example, on June 30, 2017, the day after he bought his ticket, the defendant posted on the Discord platform to the “Charlottesville” thread for Unite the Right Rally participants: “Looking forward to the day. Will be bringing another Berkeley / Huntington vet.”

On August 9, 2017, the defendant received a text message from a co-defendant that Cole White would be traveling and staying with them in Charlottesville. The co-defendant described Cole White as an “Excellent fighter. Stoked to have him with us.” To the news, the defendant replied: “Nice, don’t know that I got to talk to him at Berkeley.” Prior to leaving California, The defendant had been given responsibility of purchasing torches and helmets once he arrived in Charlottesville. He texted a co-defendant for a precise count on the number of helmets needed, asking “one for each of the RAM guys? If so, how many guys do we have?” The co-defendant reminded him “Make sure to not use your card. Hit the ATM and use cash.”

On August 10, 2017 at 9:20 p.m, the defendant boarded the first leg of his three-flight itinerary, traveling overnight from California to Charlottesville, Virginia, landing at approximately 9:25 am. (EST). At the time of his travel, the defendant expected that the upcoming events in Charlottesville would result in a riot during which either he or his fellow RAM members traveling to Charlottesville would engage in violent confrontations with protestors or other individuals.

In anticipation of these confrontations, after arriving in Charlottesville, the defendant went to Wal-Mart and – using his debit card – made a nominal purchase for a 98-cent pack of gum with \$100.00 in cash back, which he then used to purchase baseball helmets for himself and fellow RAM members. Another RAM member purchased athletic tape at the Wal-Mart to wrap their fists in order to prevent their hands from breaking when they punched someone.

IV. The Torch-Lit March at the University of Virginia on August 11, 2017

On August 11, 2017, the evening prior to the scheduled Unite the Right rally, hundreds of individuals, including the defendant and fellow RAM members and associates, were gathering to engage in a torch-lit march on the grounds of the University of Virginia in Charlottesville, Virginia. At a nearby field where the group was gathering, the defendant and fellow RAM members and associates lined up in formation, lit their torches, and waited for the march to commence. The defendant catalogued his participation and others by his Go-Pro, which he attached to his chest harness.

Throughout the march, the participants (including the defendant) engaged in chants promoting or expressing white supremacist and other racist and anti-Semitic views, such as “Blood and soil!” and “Jews will not replace us!” and “Anti-White!” The march culminated near the University of Virginia’s Rotunda, where a smaller group of individuals, including University of Virginia students, had gathered around a statue of Thomas Jefferson to protest the torch-lit march. Members of this group held a banner that read: “VA Students Act Against White Supremacy.” Chanting and bearing torches, the march participants encircled the Thomas Jefferson statue and surrounded the protestors. Violence erupted among the crowd, with some individuals punching, kicking, spraying chemical irritants, swinging torches, and otherwise assaulting others, all resulting in a riot as that term is defined under 18 U.S.C. § 2102. During and in furtherance of this riot, RAM members and associates punched and struck multiple

individuals with a torch. After the students and protestors left, the defendant yelled “total victory” and “we beat you tonight, we’ll beat you tomorrow too!”

V. The Unite the Right Rally on August 12, 2017

On the morning of August 12, 2017, multiple groups and individuals espousing white-supremacist and other anti-Semitic and racist views arrived in and around the vicinity of Emancipation Park in Charlottesville, Virginia, to attend the Unite the Right rally. When they showed up to Emancipation Park, the defendant and other RAM members had in fact wrapped their hands with the white athletic tape purchased the day prior. The defendant carried their baseball helmets in his backpack. After several instances of violence prior to the scheduled start of the rally, law enforcement declared an “unlawful assembly” and required rally participants to disperse.

One of the first breakouts of violence on the morning of August 12 occurred on 2nd Street NE, between Jefferson and High Streets, in downtown Charlottesville. The defendant and other RAM members were part of a large group of (over forty) individuals seeking entry to Emancipation Park by way of 2nd Street NE, but were told by members of law enforcement they had to enter from a different location. The group, including the defendant and other RAM members, turned around, lined up, and began to make their way through a group of (over twenty) individuals who had come to the rally to protest against racial and other forms of discrimination.

As they made their way through the group of protestors, the defendant and other RAM members collectively pushed, punched, kicked, choked, head-butted, and otherwise assaulted several individuals, resulting in a riot. During and in furtherance of this riot, the defendant personally committed multiple violent acts, including but not limited to, the following: (1) punching a protestor who had already been thrown to the ground; and (2) kicking a protestor as the protestor was falling to the ground. None of these acts of violence were in self-defense.

Later in the day, the defendant and RAM members went into Emancipation Park prior to the start of the rally, where many additional violent interactions occurred between protestors and rally attendees. The defendant, as memorialized by video footage, sought to provoke protestors to “come and get it” or to “come get some.” In a subsequent altercation, the defendant attempted to punch a protestor at the top of the stairs that led into the park, and then sought to land another punch on the same individual. This altercation was captured on video, which the defendant shared with a co-defendant and fellow RAM member on August 20, 2017, who replied to the defendant “You should have ran in [and] chest kicked that faggot down the stairs.” The defendant replied: “Yeah, massive regret after watching that footage . . . next time he’s going flying.”

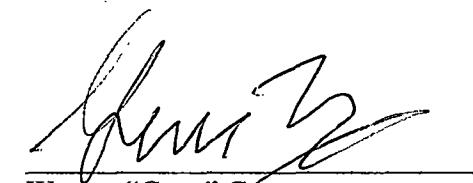
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Michael Paul Miselis
Defendant

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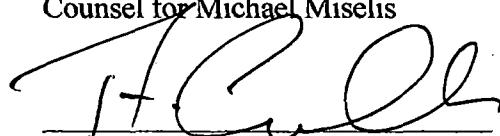
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Warren "Gene" Cox
Counsel for Michael Miselis

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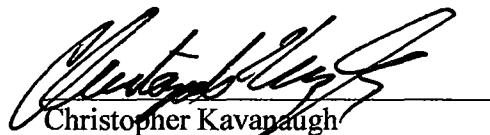
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Thomas T. Cullen
United States Attorney

5-3-19

Date



Christopher Kavanaugh
Assistant United States Attorney